

Clips used with Kevin Flaherty

September 20, 2006  
JURY TRIAL - DAY SIX

PG. 7 (Flaherty 11/03 @ PG. 109)

21 Q. Does Mack attempt to discourage its dealer  
22 from selling to customers located outside their area  
23 of responsibility?  
24 A. Yes.

PG. 8 (Flaherty 11/03 @ PG. 119)

23 Q. And you gave me some reasons why you did  
24 not encourage that. Have you ever attempted to  
00120:01 suggest, sir, to a Mack dealer that he should not  
02 sell outside his area of responsibility?  
03 A. Well, I am sure over the last few years  
04 that I have discouraged a number of dealers from  
05 selling outside of their territory and taking care  
06 of their own.

PG. 9 (Flaherty 11/03 @ PG. 120)

15 Q. And do you, sir, instruct your regional  
16 vice presidents that they should discourage their  
17 dealers from selling outside their territories?  
18 A. I would say our regional vice presidents  
19 have been instructed to or guided that we should not  
20 encourage outside the AOR.

PG. 10 (Flaherty 11/03 @ PG. 124)

04 Q. And if each dealer stayed within his area  
05 of responsibility we wouldn't have that competition  
06 on price, would we?  
07 A. Hypothetically, yes.

PG. 12 (Flaherty 11/03 @ PG. 110)

06 Q. But you as the senior vice president of  
07 sales are not in favor of it? Is that what you are  
08 saying?  
09 A. I would prefer -- I see little value for  
10 the network.

PG. 61 (Flaherty 11/03 @ PG. 99)

17 Q. And can you think of any year, sir, where  
18 the volume discounts offered to -- by Mack to its  
19 fleet customers and national accounts have been  
20 offered to the dealers on a chain-wide basis?  
21 A. Chain-wide basis, no.

PG. 73 (Flaherty 11/03 @ PG. 204)

11 Q. You didn't think it all, sir, about what  
12 the effect of giving this level of discounts to Mr.  
13 Yacobozzi and Mr. Howard would have on other Mack  
14 dealers?  
15 A. I felt that it would be the driving force  
16 to get us the -- to get some share in a competitive

17 market was the driving issue here.  
18 Q. So you didn't think about what effect if  
19 any it would have on other Mack dealers?  
20 A. No, I did not.

PG. 82 (Flaherty 11/03 @ PG. 165)

19 That meeting -- I will rephrase  
20 your question to save the objection -- where you  
21 said to the dealers look around the room. Some of  
22 you won't be here in a couple years? words to that  
23 effect?  
24 A. Words to that effect.

PG. 97 (Flaherty 11/03 @ PG. 183)

23 Q. Now, as part of the -- I asked you about  
24 Network 2000. Let me ask you about the after the  
00184:01 Volvo acquisition whether the discussions that  
02 related to the integrated network has Toledo Mack  
03 ever been mentioned or discussed as a potential  
04 candidate for the integration as part of the  
05 Volvo/Mack integration?  
06 A. Not by itself, no.  
07 Q. As part of a number?  
08 A. As part of a number of Ohio dealers, yes.